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**IMPORTANT**

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**FACSIMILE COVER LETTER**

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To: Examiner David Naff Date: June 27, 2003

Company: USPTO Group Art Unit 1651 Your Ref.: Serial No. 09/856,182

Fax Number: 703-746-5072 Our Ref.: P66710US0

From: Michael R. Slobasky

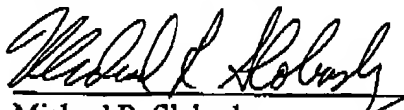
TOTAL NUMBER OF PAGES, INCLUDING COVER LETTER: 3

IF YOU DO NOT RECEIVE ALL OF THESE PAGES, TELEPHONE Cathy Pigg at (202) 638-6666.

**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8**

Transmitted herewith by facsimile is a Response to Examiner's Inquiry Re Receipt of Office Action. Entry of this documents is respectfully requested.

Respectfully submitted,

  
Michael R. Slobasky  
Reg. No. 26,421

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#12

In re Application of:

Galip AKAY et al.

Group Art Unit: 1651

Serial No.: 09/856,182

Examiner: David Naff

Filed: September 5, 2001

For: MICROCELLULAR POLYMERS AS CELL GROWTH MEDIA AND NOVEL  
POLYMERSRESPONSE TO EXAMINER'S INQUIRY RE RECEIPT OF OFFICE ACTIONCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is submitted in response to telephone discussions with Examiner Naff of the U.S. Patent and Trademark Office on June 25 and 26, 2003. On June 25, 2003, the undersigned attorney received a telephone call from Examiner Naff wanting to know if a response was ever filed to a Restriction Requirement that was apparently issued on December 4, 2002. At the time of receiving the telephone call, the undersigned did not have the file and I told the Examiner he would order the file and call him back. After the file was obtained, the undersigned telephoned Examiner Naff that same day and advised him that there was no record of ever receiving any Office Action and, in particular no record of ever receiving any Restriction Requirement.

Typically, when an Office Action comes into the firm it goes through the Docketing Department. The undersigned has checked the computer printout records from the firm's Docketing Department and there is no record of ever receiving any Office Action in December, 2002. In addition, the physical file itself was thoroughly reviewed including the entries on the file cover page and, again, there is no record of ever receiving any Office Action in December, 2002.

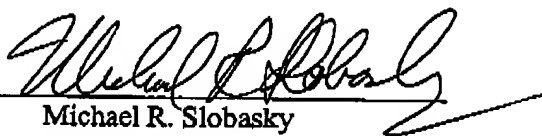
Serial No.: 09/856,182  
Atty. Dkt. No. P66710US0

Undersigned represents that on June 10, 2003, a "Second Status Request" form was filed with the U.S. Patent and Trademark Office, of which we have a date stamped receipt from the U.S. Patent and Trademark Office, in which inquiry was made as to the status of the application stating that no action on the merits has yet been received. This was the Second Request, the first Request was filed in June, 2002. Obviously, no such Request would have been filed if an Office Action had been received.

Accordingly, it is respectfully submitted that the December, 2002 action be vacated and withdrawn and a new Office Action be issued.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By   
Michael R. Slobasky  
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